



STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower

The Governor Nelson A. Rockefeller Empire State Plaza

Albany, New York 12237

Antonia C. Novello, M.D., M.P.H., Dr.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

December 2004

Dear Colleague:

The purpose of this letter is to inform you about recent changes in the immunization requirements for school entry that will take effect January 1, 2005. New York State Public Health Law Section 2164 was amended twice in 2004. The first amendment requires students who will be enrolled in the 6th grade in 2005 to be immunized against varicella (commonly known as chickenpox). The second amendment mandates that all children born on or after January 1, 2005, be immunized against pertussis (commonly known as whooping cough) and tetanus as requirements for school entry and attendance.

Specifically, the varicella amendment requires the following:

- Students born on or after January 1, 1994, and who enroll in the 6th grade at the beginning of the 2005 – 2006 school year must be immunized against varicella;
- Those students born on or after January 1, 1994, and who transfer to a school in this state from another state or country after this law becomes effective on January 1, 2005, must be immunized at the time of entry into the school in the State of New York;
- Special Education students in gradeless classes who were born on or after January 1, 1994, must be immunized against varicella at the start of the 2005 -2006 school year;
- Students born on or after January 1, 1994, who are repeating the 6th grade at the beginning of the 2005 – 2006 school year are required to be immunized against varicella.

Exemptions from this requirement include the following:

- A history of varicella disease as documented by a health care provider. Parental recall of the disease history is not sufficient, and will not be accepted as proof of immunity;
- A medical exemption consisting of a written statement from a physician licensed to practice in the State of New York stating that there is a valid medical contraindication to varicella vaccine. A copy of the exemption must be retained by the school;

- A statement of religious exemption written by the parent, parents, or guardian of the child stating that they hold sincere and genuine religious belief(s) which prohibit the immunization of the child. A copy of the exemption must be retained by the school. Secular principles, including philosophical exemptions are not allowed;
- Serologic proof of immunity to varicella. The serologic test is reliable for determining the immune status in a healthy person after they had a natural infection, but may not be reliable in immunocompromised persons.

The amendment regarding tetanus and pertussis mandates children born on or after January 1, 2005, be immunized against these diseases as a requirement for entry and attendance to any school defined by this law. According to Public Health Law Section 2164, a “school” means, and includes, any public, private, or parochial child caring center, day nursery, day care agency, nursery school, kindergarten, elementary, intermediate or secondary school.

The only exceptions to immunization against pertussis and/or tetanus are the aforementioned medical or religious exemptions.

This information regarding the new varicella, pertussis and tetanus immunization requirements should help you in responding to questions from parents and other interested parties. Thank you for your continuing efforts to protect the health of New York State’s children against vaccine preventable diseases. If you have any questions regarding these new immunization requirements, please contact the New York State Department of Health Immunization Program at the following telephone numbers:

Central Office	(518) 474-1944	Syracuse Regional Office	(315) 477-8164
Capital District Regional Office	(518) 408-5278	New Rochelle Field Office	(914) 654-7194
Western Regional Office	(716) 847-4385	Central Islip Office	(631) 851-3081
Rochester Field Office	(585) 423-8090	Monticello District Office	(845) 794-2045

Sincerely,

Debra Blog, M.D., M.P.H.
Medical Director
Immunization Program

cc: Mr. David Lynch
Dr. Steven Friedman
Mr. Mark Amyot
Mr. Robert Bentkowski
Ms. Barbara Bright –Motelson
Ms. Barbara Burke
Mr. David Gonzalez

Encl: PHL §2164